

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-415*

13 **THEODORE DAVID LASPONAS**
14 **161 Hillview Drive**
15 **Vallejo, CA 94591**

ACCUSATION

Registered Nursing License No. 644403

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about September 7, 2004, the Board of Registered Nursing issued Registered
23 Nursing License Number 644403 to Theodore David Lasponas (Respondent). The Registered
24 Nursing License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on May 31, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

10 ...

11 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
12 functions, and duties of a registered nurse, in which event the record of the conviction shall be
13 conclusive evidence thereof.

14 ..."

15 6. Section 2762 of the Code states:

16 "In addition to other acts constituting unprofessional conduct within the meaning of this
17 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
18 chapter to do any of the following:

19 "..."

20 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
21 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
22 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
23 himself or herself, any other person, or the public or to the extent that such use impairs his or her
24 ability to conduct with safety to the public the practice authorized by his or her license.

25 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
26 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
27 or the possession of, or falsification of a record pertaining to, the substances described in
28

1 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
2 thereof.

3 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
4 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
5 section, in which event the court order of commitment or confinement is prima facie evidence of
6 such commitment or confinement.

7 ..."

8 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
9 revoke a license on the ground that the licensee has been convicted of a crime substantially
10 related to the qualifications, functions, or duties of the business or profession for which the
11 license was issued.

12 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
13 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
14 licensee or to render a decision imposing discipline on the license.

15 9. Section 118, subdivision (b), of the Code provides that the expiration of a license
16 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
17 within which the license may be renewed, restored, reissued or reinstated.

18 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
23 included in a stipulated settlement.

24 FIRST CAUSE FOR DISCIPLINE

25 (CRIMINAL CONVICTION)

26 11. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), 2762(c),
27 2762(d) and/or 490 in that on or about July 13, 2012, in a criminal proceeding entitled *The People*
28 *of the State of California v. Theodore David Lasponas* in Solano County Superior Court, Case

1 Number VCR214233 M7, Respondent was convicted by his plea of no contendre of violating
2 Vehicle Code section 23152(a) (driving under the influence of alcohol or drugs). Respondent was
3 sentenced to probation for three years, two days jail time, to complete a 1st Offender DUI
4 Program, and ordered to pay fines and fees in the amount of \$1,882.00. The circumstances of the
5 conviction are that on or about February 24, 2012, on Highway 80 in Vallejo, California,
6 Respondent was arrested for driving under the influence after he was observed to be driving in
7 excess of 100 M.P.H. on the freeway. Respondent failed field sobriety tests and his blood tested
8 positive for methamphetamine. Respondent reported to the arresting officer that there were men
9 hanging on to the roof of his car and hiding in the wheelwells. Respondent asked the arresting
10 officer to x-ray his car to find these people.

11 SECOND CAUSE FOR DISCIPLINE

12 (USING NARCOTICS OR DRUGS IN A MANNER DANGEROUS TO SELF OR OTHERS)

13 12. Respondent is subject to disciplinary action under section 2762(b), in that on or about
14 February 24, 2012, on Highway 80 in Vallejo, California, Respondent was arrested for driving
15 under the influence after he was observed to be driving in excess of 100 M.P.H. on the freeway.
16 Respondent failed field sobriety tests and his blood tested positive for methamphetamine.
17 Respondent reported to the arresting officer that there were men hanging on to the roof of his car
18 and hiding in the wheelwells. Respondent asked the arresting officer to x-ray his car to find these
19 people.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nursing License Number 644403, issued to
24 Theodore David Lasponas;

25 2. Ordering Theodore David Lasponas to pay the Board of Registered Nursing the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3;

28 3. Taking such other and further action as deemed necessary and proper.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: November 21, 2012

Louise L. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2012108641-
10992381.doc